

March 11, 2015

The Honorable Jeff King, Chairperson
Senate Committee on Judiciary
Statehouse, Room 341-E
Topeka, Kansas 66612

Dear Senator King:

SUBJECT: Fiscal Note for SB 232 by Senate Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning SB 232 is respectfully submitted to your committee.

Current law provides an expedited process for determining the validity of a lien or claim placed against property when the owner of that property believes the lien or claim is fraudulent. SB 232 would add a step to that process by requiring the court that orders a lien or claim to be set aside to also prohibit the person who filed the lien or claim from filing any future lien or claim without the approval of the court that issued the order. In addition, the bill would create a new crime by making it unlawful for a person to present to a recorder for filing in a public record a lien or claim against the real or personal property of a public official when the person knows or reasonably should know that the lien or claim is false or contains materially false, fictitious, or fraudulent representation. A violation would be classified as a severity level 8, nonperson felony. The bill provides a definition of "public official" as any person who is a public officer, candidate for public office, or public employee.

According to the Office of Judicial Administration, passage of SB 232 has the potential to decrease civil lien or claim filings due to the provision limiting future filings and to increase criminal filings due to the creation of a new crime. Thus, passage of the bill could result in a decrease in civil docket fees and an increase in criminal docket fees. The Office does not expect that passage of the bill would have a significant fiscal effect, but until the Judicial Branch has had an opportunity to operate under the provisions of SB 232, an accurate estimate of the fiscal effect cannot be provided.

Because passage of SB 232 would create a new crime, the Kansas Sentencing Commission estimates that passage of the bill would result in an increase in adult prison beds

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needed in FY 2016 and out years, causing increased expenditures for the Department of Corrections. However, the Commission does not currently have data available that would allow it to estimate what the fiscal effect might be. Any fiscal effect associated with SB 232 is not reflected in *The FY 2016 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Sullivan", with a horizontal line extending to the right.

Shawn Sullivan,
Director of the Budget

cc: Mary Rinehart, Judiciary
Scott Schultz, Sentencing Commission